

Radiation Advisory Board

Minutes

The Radiation Advisory Board met on Friday, January 5th, 2001 in Conference Room B of the James Monroe Building located at 101 North 14th street at 9:00 a.m. The meeting agenda was as follows:

I. Call to Order

Khizar Wasti, Ph.D. (Chairman, representing Elizabeth A. Peterson, M.D., State Health Commissioner))

Members present: Lee S. Anthony, Ph.D.; Edway Johnson; Herman Moore, Jr.; and Panos Fatouros, Ph.D

Members absent: Mary Ann Turner, M.D; Ted Sherwin, D.D.S.; Lewis Springer, D. V.M.; Clark Russ, M.D., and Dennis Stanley, M.D.

Ex Officio Members present: John Beers, Department of Agriculture and Consumer Services, representing J. Carlton Coulter, III; Brett Burdick, Department of Emergency Management, represent Michael Kline; and Harry Gregori, Jr. Department of Environmental Quality representing Dennis Treacy.

Ex Officio Members absent: Jeff Brown, Department of Labor and Industry; and Tom Grose, Virginia Institute of Marine Science.

II. Overview of Agenda

Khizar Wasti, Ph.D

Minutes of November 10, 1999 meeting were approved.

III. Presentations

Leslie Foldesi, M.S., CHP, Director of Radiological Health- Program Overview

IV. Old Business

Dr. Lee Anthony presented several items for the Advisory Board's consideration and for the VDH to implement. Dr. Anthony had earlier submitted written correspondence to VDH of these recommendations and are summarized as follows:

[Discussed under old business]

- First, revise the Radiation Protection Regulations dated July 1988 as soon as possible.
- Second, VDH needs to move forward with the NRC Agreement State status. Virginia is one of the last dozen or so states that have not made this transition. The General Assembly has authorized the collection of "user fees" for Radioactive Materials Licenses; however, they have not been implemented.

[Discussed under new business]

- Third, reciprocity with other states with respect to radioactive material licensing fees should be addressed so Virginia's citizens are treated equitably.
- Fourth, reciprocity with other states with respect to registration fees for Private Inspectors, or medical physics/health physics consultants should be addressed so Virginia's citizens are treated equitably.
- In addition, the Conference of Radiation Control Program Directors (CRCPD) should be requested to provide a "peer review" of Virginia's radiation control program to the Radiation Advisory Board. This is a free service provided by the CRCPD. Copies of the publication Criteria For An adequate radiation Control Program were provided to members in attendance.

Motion by Dr. Anthony and approved that VDH make it a priority to revise the Radiation Protection Regulations and provide a time schedule for implementing the new regulations.

Discussion and follow up

The revision of the Radiation Protection Regulations should include a time schedule for implementation, a draft with suggested date March 1, 2001, draft should include latest NRC revisions, and copies made available to the Radiation Advisory Board.

Motion by Dr. Anthony, seconded by Dr. Fatouros, and approved, that requests the State Health Commissioner to make it a priority for VDH to seek NRC Agreement State status.

Discussion and follow up

With respect to the NRC Agreement State status, the Governor provides the initial and final approval for the process. It was suggested that Dr. Petersen, the State Health Commissioner, should request the Secretariat for the Governor's consideration of the

Agreement State status, and if necessary request a budget amendment to provide the start up funding.

Motion by Dr. Anthony and approved that the Conference of Radiation Control Program Directors (CRCPD) should be requested to provide a "peer review" of Virginia's radiation control program to the Radiation Advisory Board. This is a free service provided by the CRCPD. Copies of the publication *Criteria For An Adequate Radiation Control Program* were provided to members in attendance.

The membership also discussed the desire for the State Health Commissioner's presence at a Radiation Advisory Board meeting, or other opportunities to meet with the State Health Commissioner.

V. New Business

Dr. Anthony presented his concerns regarding radioactive materials (RADMAT) licensing fees and medical physics consultant fees that other states charge for these services from non-residents. Virginia does not appear to have reciprocity provisions in its regulations.

Motion by Dr. Anthony, seconded by Mr. Beers, and approved, that recommends adoption of reciprocity fees for RADMAT and Private Inspectors in the draft regulations.

Discussion and follow up

With respect to the two reciprocity issues regarding charging out-of-state RADMAT users and physics consultants licensing and registration fees, respectively, VDH has requested the advice of an assistant attorney general a day earlier and had not received a response. The initial response from the agency's adjudication officer was that whatever fees VDH collects for its RADMAT licensees, it must also charge to out-of-state persons. The agency has not implemented a fee schedule for RADMAT licenses. The agency has no statutory authority to collect registration fees for Private Inspectors. Also we cannot collect fees for those activities that we are mandated to do, unless specifically authorized by the state code to collect fees.

VI. Adjournment

Meeting adjourned to meet again on Friday, June 1, 2001 at 9:00 a.m. at location to be announced later. The Board wanted to review the draft regulations at the next meeting.